

STAFF REPORT
MAPC: October 26, 2023
DAB VI: November 13, 2023

CASE NUMBER: CON2023-00052 (City)

APPLICANT/AGENT: Everygy Kansas South, Inc. (Applicant) / Professional Engineering Consultants (Agent)

REQUEST: Conditional Use to allow Utility, Major

CURRENT ZONING: LI Limited Industrial District

SITE SIZE: 1.81 acres

LOCATION: Generally located north of East 3rd Street North, between North Mead Avenue and North Rock Island Avenue (402 North Mead Avenue).

PROPOSED USE: Expand existing substation.

RECOMMENDATION: Approve with conditions.



BACKGROUND: The applicant is requesting a Conditional Use to allow Utility, Major on a property zoned LI Limited Industrial District. The 1.81-acre property is addressed as 402 North Mead Avenue, located north of East 3rd Street North, south of East Central Avenue, between North Mead Avenue and North Rock Island Avenue.

The applicant is requesting the Conditional Use to expand the existing substation, which was completed around 1950. The subject site is currently developed with the following:

- An electrical substation;
- a small manufacturing facility located at 433 North Rock Island Avenue;
- the Keep Klean Building located at 800 East 3rd Street North; and
- an upholstery business originally constructed as a Phillips 66 Station.

In 2023, the Wichita City Council approved a Conditional Use to expand the substation (CON2023-00022). However, it did not include the subject property to the north. The Keep Klean Building has been listed on the Register of Historic Kansas Places since 2006 and the National Register of Historic Places since 2007. The Phillips 66 Station has been on the Wichita Register of Historic Places since 1978. The applicant seeks to demolish the small manufacturing facility, along with portions of the Keep Klean Building and the Phillips 66 Station properties for the expansion of the substation.

The applicant's site plan proposes preserving the south and east facades of the Keep Klean Building along with the two-story tower on the southeast corner. However, it also proposes significant amount of demolition, which includes concrete block additions of an unknown date and a portion of the south façade, that may result in the property's delisting from the National Register of Historic Places and the Register of Historic Kansas Places. The proposed demolition, under Kansas state preservation law K.S.A. 75-2724, will trigger a formal review from the Wichita Historic Preservation Board (HPB). This site plan and proposed demolition will be reviewed by the HPB on November 13. As a condition of approval of this Conditional Use request, staff also recommends the applicant be required to submit a site plan for review by the Wichita Historic Preservation Board with an appeal to Wichita City Council.

The subject site is exempt from the Wichita Landscape Ordinance requirements as well as screening requirements since it was zoned LI Limited Industrial District prior to the Ordinance's implementation. Additionally, it does not abut residential zoning. However, the site plan shows a chain link fence around the perimeter of the property, along with two gates on the east side and two ornamental gates on the west side. The design of the fence may change subject to HPB review. Because the substation is unmanned, the substation expansion will not have any off-street parking.

Properties to the north, south, east and west are all zoned LI Limited Industrial District. Property to the north, across East Central Avenue, is developed with a vacant building. Property to the south is an apartment building known as the International Harvesters Building, which is individually listed on the National Register of Historic Places (NRHP). Property to the east is developed with a parking lot. Property to the west is developed with a surplus store.

CASE HISTORY: The subject site is unplatted. The property is exempt from platting due to its public utility status per Subdivision Section 3-105(D). In 2007, the Planning Department administratively approved a 25 percent reduction in parking (BZA2007-00001). In 2023, the Wichita City Council approved a Conditional Use to expand the substation (CON2023-00022) with a condition that the site plan be reviewed and approved by the Wichita Historic Preservation Board with an appeal to the City Council. However, it did not include the Phillips 66 Station property to the north.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|----|--|
| North: | LI | Vacant building |
| South: | LI | International Harvesters Building (NRHP) |

| | | |
|-------|----|---------------|
| East: | LI | Parking lot |
| West: | LI | Surplus store |

PUBLIC SERVICES: All municipal services, such as water, stormwater, and sewer, are in place and can accommodate the required services to the existing site. This site has access to North Mead Avenue, North Rock Island Avenue, and East 3rd Street North, which are all two-way, local streets with sidewalks. It also has access to East Central Avenue, which is a four-lane arterial with sidewalks on each side. North Rock Island has a sidewalk on the east side, while North Mead Avenue and East 3rd Street North have sidewalks on both sides. North Mead Avenue and North Rock Island Avenue are both paved, while East 3rd Street North is partially a brick street. Wichita Transit serves this area within one block northwest of the subject site, on the southwest corner of Central Avenue and North Mead Avenue.

CONFORMANCE TO PLANS/POLICIES: The proposed application is in conformance to the *Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for “Residential and Employment Mix”. This category is described as “*areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity businesses uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.*”

The *Community Investments Plan*’s Locational Guidelines “provide a framework for decision-making regarding land use changes so as to encourage patterns of development that efficiently and effectively use land, public infrastructure, and services; strive for compatibility among various land uses; and promote quality of place through design.” The requested Conditional Use is in conformance with the Locational Guidelines. One of the Guidelines within the Established Central Area “encourage[s] infill development that maximizes public investment in existing and planned infrastructure and services.”

The requested Conditional Use is in conformance with the goals of the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles.”

- Strategies: The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested Conditional Use aligns with Strategy 6, “Encourage infill and redevelopment that is contextual to the environment in which it is occurring.”
- Current Condition: The subject property is located within an area identified as an “area of stability.” The *Places for People Plan* defines Areas of Opportunity as areas that “require fewer interventions and potentially less public investment to maintain a stable development environment and community. Improvements should be targeted to support development momentum and strengthen the established physical context.”

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **APPROVED**, subject to the following conditions:

- 1) The final site plan must be reviewed by the Wichita Historic Preservation Board with an appeal to the Wichita City Council prior to the issuance of building permits.
- 2) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of

the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

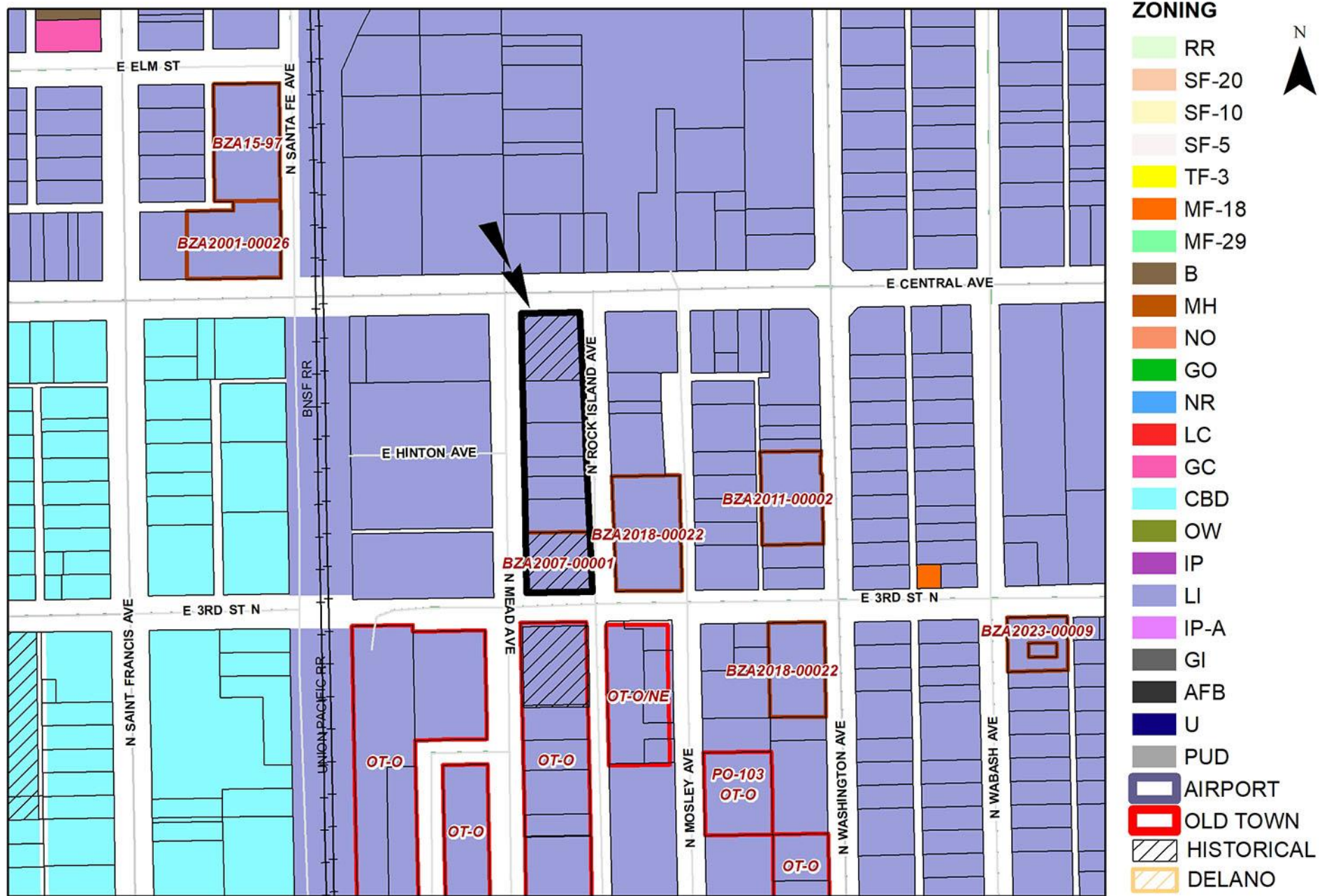
This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is a mix of commercial, light industrial, and residential. Properties to the north, south, east and west are all zoned LI Limited Industrial District. Property to the north, across East Central Avenue, is developed with a vacant building. Property to the south is an apartment building known as the International Harvesters Building, which is individually listed on the National Register of Historic Places (NRHP). Property to the east is developed with a parking lot. Property to the west is developed with a surplus store.
2. The suitability of the subject property for the uses to which it has been restricted: The properties are suitable for the uses to which it has been restricted. The property is zoned LI Limited Industrial District. Utility, Major is permitted in LI zoning by Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The removal of restrictions may impact the integrity of the historic building on site. However, one of the conditions of approval, which requires final site plan approval from the Wichita Historic Preservation Board, may mitigate the detrimental impacts.
4. Length of time subject property has remained vacant as zoned: The subject site is not vacant. Property records show the subject site has been developed since 1929.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the application will bring upgrades to the substation, which benefits the community. Denial of the request could represent a loss in the use of this portion of the applicant's property.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed application is in conformance to the *Community Investments Plan* and the *Wichita Places for People Plan*, as discussed in the report.
7. Impact of the proposed development on community facilities: The proposed use is not anticipated to have any negative impacts on community facilities.
8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff has not received any public comment on the requested Conditional Use.

Attachments:








1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos








2035 Wichita Future Growth Concept Map

Legend

-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

Statistical Development Areas

-  Small City Urban Growth Areas
-  Small City Urban Growth Areas
-  Rural Areas

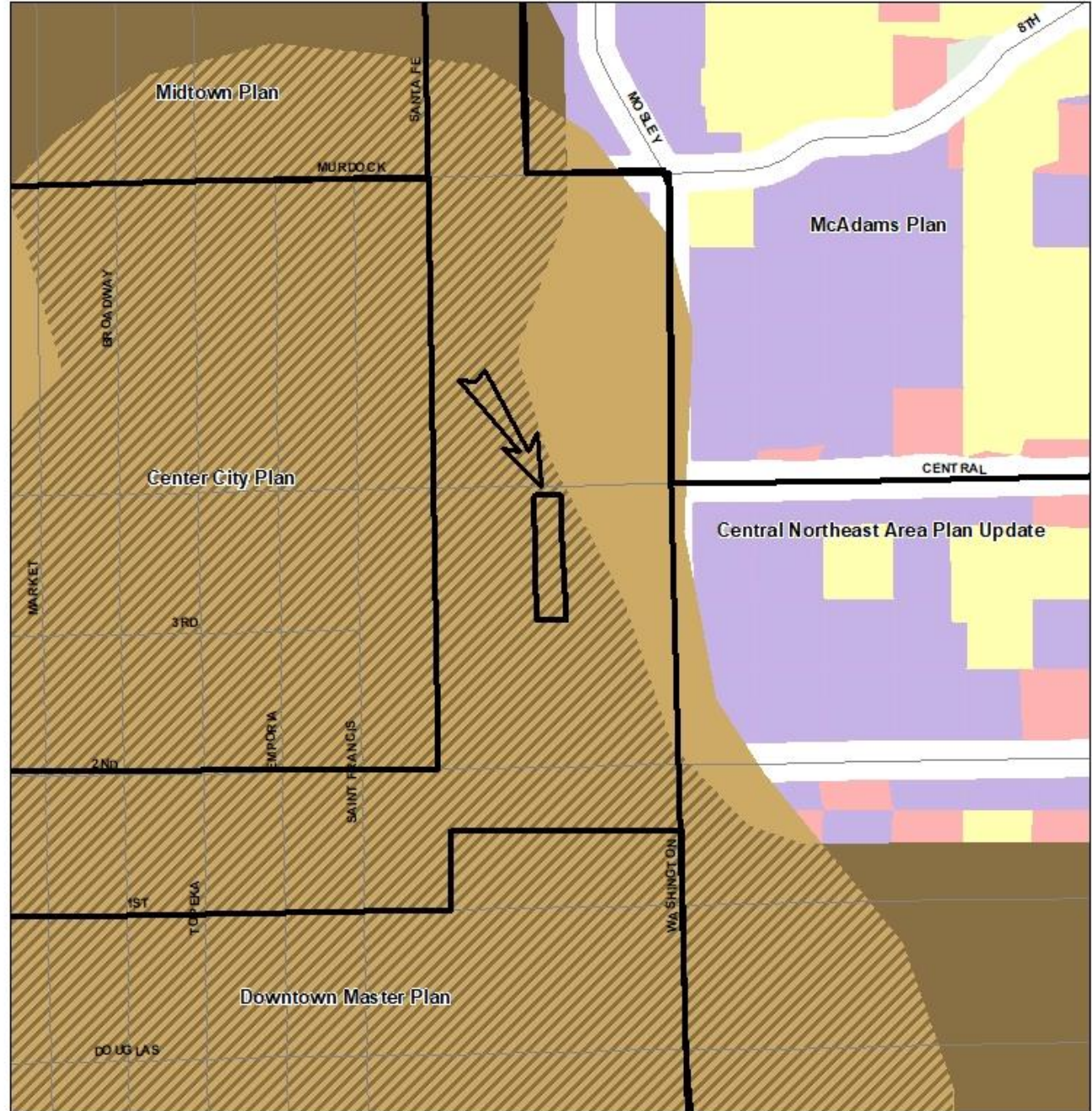
LAND USE

-  Residential
-  Commercial
-  Industrial
-  Major Air Transportation & Military
-  Parks and Open Space
-  Agricultural or Vacant
-  Major Institutional
-  Neighborhood/Area Plans

N



This map was prepared by the Metropolitan Area Planning Commission (MPC) for the City of Wichita. It is intended to provide a general overview of future growth concepts and is not intended to be used for legal purposes. The MPC and the City of Wichita are not responsible for any errors or omissions on this map. The map is subject to change without notice.



Looking west towards site



Looking west towards site



Looking north towards site



Looking west towards site



Looking west towards site



Looking west towards site



Looking west towards site



Looking south towards site



Looking east towards site



Looking west towards site



Looking west towards site



Looking east towards site

